

REMARKS

Applicant thanks the Examiner for conducting the telephone interview on June 1, 2004, and for the Examiner's thoughtful consideration of this case. During the telephone interview, Applicant and Examiner discussed the Examiner's rejection of Applicant's claims under 35 U.S.C. § 101. Specifically, Applicant and Examiner discussed alternative claim language, which is included among the claim amendments to Claims 1, 11, 22, and 29. No new matter has been introduced by these amendments. Applicant does not admit that these amendments were made as a result of any cited art. Applicant understands that all of the pending claims, as recited in this Response to Office Action, are patentable under 35 U.S.C. § 101. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 101

The Examiner rejects Claims 1-40 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Specifically, the Examiner found that Applicant's "observation" references are abstract ideas. (Office Action, page 2). In the telephone interview conducted on June 1, 2004, Applicant and Examiner discussed the Examiner's rejection of Applicant's claims under § 101. Although Applicant believes that all previously pending claims recite statutory subject matter under § 101, to advance this case expeditiously to issuance, Applicant has amended independent Claims 1, 11, 22, and 29 to address the issues identified by the Examiner. For at least these reasons, Applicant understands that all of the pending claims, as recited in this Response to Office Action, recite statutory subject matter within the meaning of § 101.

Additionally, in the Office Action, the Examiner states that the "data referred to by Applicant's phrase 'information as natural language' is simply an abstract construct that does not limit the claims to the transformation of real world data (such as monetary data or heart rhythm data) by some disclosed process." (Office Action, page 6). In the telephone interview, the Examiner acknowledged that the phrase "information as natural language" is not recited in any of Applicant's pending claims and that the rejection of Applicant's claims as described in paragraph 14 of the Office Action was made in error. It is Applicant's understanding that the rejection of the claims described in paragraph 14 of the Office Action is withdrawn.

Applicant respectfully requests that the rejection of the Claims 1-40 under § 101 be withdrawn and the claims allowed.

Rejections under 35 U.S.C. § 112

The Examiner rejects Claims 1-40 under 35 U.S.C. § 112, first paragraph. Specifically, the Examiner states that “current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given because . . . as a matter of law there is no way Applicant could have disclosed how to practice the *undisclosed* practical application.” (Office Action, page 8). As discussed above, Applicant has amended independent Claims 1, 11, 22, and 29 to address the § 101 issues identified by the Examiner. Accordingly, the basis for the Examiner’s § 112 rejection of Claims 1-40 has been removed. Furthermore, in the telephone interview conducted on June 1, 2004, the Examiner indicated that the pending claims, as recited in this Response to Office Action, are patentable under § 101 and § 112. For at least these reasons, Applicant respectfully requests that the rejection of the Claims 1-40 under § 112 be withdrawn and the claims allowed.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending Claims.

If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Applicant believes no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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